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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

PATTI KLAIR, ROBERT MYERS, ROBERT
BARNES, ERIC CARNRITE, ELIZABETH
HILL-D'ALESSANDRO, ROBERT
TANNEHILL, DITAS TANNEHILL, JOSE
REMENTERIA, TEENA REMENTERIA,
CHARLES BRAUER, LAURA BRAUER,
KAREN MARION, KATHERINE MADERA,
CARL MCQUEARY, LYNN MCQUEARY,
DONALD PATTERSON, KURTIS TRENT
MANNING, TONY SCHAKER, PATRICK
WHITE, HILDEGARD WHITE, QUEST
REALTY TRUST, SECURE STORAGE
LLC, KURTIS TRENT MANNING LIVING
TRUST,

Plaintiffs,

vs.

KEVIN LONG, MILLCREEK
COMMERCIAL, LLC, COLLIERS
INTERNATIONAL, ANDREW BELL,
TREVOR WEBER, SPENCER TAYLOR,
BLAKE MCDUGAL, SCOTT
RUTHERFORD, EQUITY SUMMIT
GROUP, ELEVATED 1031,

Defendants.

STIPULATED MOTION TO EXTEND
DEADLINE TO AMEND PLEADINGS
AND ADD PARTIES

Case No. 2:23-cv-00407-AMA-CMR

District Judge Ann Marie McIff Allen
Magistrate Judge Cecilia M. Romero

Pursuant to Fed. R. Civ. P. 16(b)(4) and DUCivR 83-6, defendants Kevin Long, Millcreek Commercial, LLC, Colliers International, Andrew Bell, Trevor Weber, Spencer Taylor, Blake McDougal, Scott Rutherford, Equity Summit Group, and Elevated 1031 (collectively, "Defendants"), along with plaintiffs Patti Klair, Robert Myers, Robert Barnes, Eric Carnrite, Elizabeth Hill-D'Alessandro, Robert Tannehill, Ditas Tannehill, Jose Rementeria, Teena Rementeria, Charles Brauer, Laura Brauer, Karen Marion, Katherine Madera, Carl McQueary, Lynn McQueary, Donald Patterson, Kurtis Trent Manning, Tony Schaker, Patrick White, Hildegard White, Quest Realty Trust, Secure Storage LLC, and the Kurtis Trent Manning Living Trust (collectively, "Plaintiffs") through their respective counsel of record in this matter, hereby stipulate and together respectfully move the Court to extend the deadline in this case to amend pleadings and add parties until sixty-two (62) days from the date below, through and including December 2, 2024.

Good cause exists for the requested extension because the parties have been waiting for the result of Defendants' Joint Motion to Consolidate (filed on April 29, 2024, Dkt. 56) and have not had adequate time since the Court's decision on July 31, 2024 (Dkt. 70) to identify and add additional parties. Had the Motion to Consolidate been granted, the parties would have undertaken different litigation strategies. *See generally Citadel Broad. Co. v. Peak Broad., LLC.*, No. 07-203, 2008 WL 11463664, at * 2 (D. Idaho Jan. 24, 2008) ("The Court is mindful of the practical issues presented by counsel and finds good cause in the reasons set forth above, including the exigencies of out-of-state travel, unforeseen discovery disputes, and the appearance of new counsel.").

Further, discovery in this case is still in the early stages. Only two sets of written discovery requests have been sent out, and no depositions have been taken. No party would be prejudiced by amending this deadline, as every party has stipulated to this motion. Indeed, per the Order Granting Stipulated Motion for Scheduling Order, the deadline for the completion of fact discovery is not until February 27, 2025, and the trial date is not until February 2, 2026. *See* Dkt. 47, Pgs. 6, 17. *See also Freedom Holdings, Inc. v. Phibro Energy U.S.A., Inc.*, No. 93-3303, 1994 WL 637727, at *2 (E.D. La. Nov. 14, 1994) ("[T]he trial date is still over six months away. If the parties are diligent, the Court believes they will be able to complete the discovery necessary to proceed to trial . . . plaintiff's Motion to Extend Deadline to Amend Pleadings is hereby granted."); *Ysleta Del Sur Pueblo v. City of El Paso*, No. 17-cv-00162, 2019 WL 1131421, at *3 (W.D. Tex. March 12, 2019) ("[A]ny prejudice to the Pueblo would be de minimis—even considering that the current dispositive motion deadline and trial setting, which are still several months away.").

For the reasons explained above, this Court should grant this motion.

A copy of the proposed Order Extending Deadline to Amend Pleadings and Add Parties is attached.

DATED this 4th day of October, 2024.

PARR BROWN GEE & LOVELESS

By: /s/ Rodger M. Burge

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Rodger M. Burge

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By: /s/ Andrew G. Deiss

Andrew G. Deiss

Corey D. Riley

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of October, 2024 a true and correct copy of the foregoing STIPULATED MOTION TO EXTEND DEADLINE TO AMEND PLEADINGS AND ADD PARTIES was filed through the Court's ECF system, providing notice to all counsel of record.

/s/ Rodger M. Burge